

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:92-HC-542-BR

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	<u>ORDER</u>
	)	
DOUGLAS M. PLANTE, SR.,	)	
	)	
Respondent.	)	

By order dated 6 October 1992, respondent was committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4246(d). (See DE # 4.) Respondent was conditionally released on 8 November 1993, (DE # 7), and has remained on conditional release since that time. On 27 March 2017, counsel for respondent filed a motion for a hearing to determine whether respondent must remain in the custody of the Attorney General, and for appointment of an independent examiner. (DE # 25.) The next day, the court granted the motion and set this case for hearing by video conference on 6 June 2017. (DE # 27.)

On 30 May 2017, counsel for respondent filed a motion to discharge respondent from such commitment. (DE # 30.) The motion is supported by a report from Hans Stelmach, M.D., (DE # 29), stating that respondent's unconditional release would not present a substantial risk of harm to another person. Respondent's supervising U.S. Probation Office also reports that respondent has been compliant with the conditions of release. The motion represents that the government has no objection to the court ruling on the motion based on the evidence, without a hearing, but takes no position on the actual unconditional release motion as a BOP doctor has not examined respondent.

The court has reviewed the motion and supporting materials and finds that respondent no longer meets the criteria for commitment under 18 U.S.C. § 4246. Accordingly, IT IS HEREBY ORDERED, pursuant to 18 U.S.C. § 4246(e), that respondent be unconditionally released and that this file be closed. Additionally, the Clerk is DIRECTED to cancel the 6 June 2017 hearing in this matter.

This 31 May 2017.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt  
Senior U.S. District Judge